

Remarks

Claims 1-30 are pending in the application. All claims stand rejected. By this paper, independent claims 1, 13, 17, and 24 have been amended. Reconsideration of all pending claims herein is respectfully requested.

Claims 1, 2, 4, 5, 9-11, 13-17, 19, 21, 22, and 24-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. ("Ellis").

As amended, claim 1 requires the uploading of media objects to a website hosted on a server. Claim 1 further requires accessing the website and utilizing a web-based application to schedule and organize the media objects into a media program. Support is found for these limitations in Figures 4 and 11 and the accompanying text.

Ellis does not disclose accessing a website and scheduling and organizing media objects stored on the website into a media program. Ellis provides little disclosure of scheduling media objects. Ellis recites that "[t]he schedule may be established by the operator of the server, by the contributor, or by any other suitable party." Column 7, lines 47-48. However, there is no further disclosure of how media may be organized and scheduled to create a media program. Indeed, Ellis never discloses a website or web-based applications.

Accessing, organizing, and scheduling media objects on a website through web-based applications is not disclosed in Ellis. The ability to create, organize, schedule, and edit a media program through a website provides manageability and convenience to the user. Through a user-friendly interface, such as is disclosed in

Figure 7, media objects are organized and a scheduled program may be viewed prior to transmission.

Amended claim 1 further requires that the media objects be of different file types. The file types, as referenced throughout the specification, include video, audio, flash animation, and pictures. As shown in Figure 7 and accompanying text, a media program may include movies and pictures for the enjoyment of the subscriber. Ellis only discloses the creation and transmission of video. Ellis does not disclose the use of audio or pictures as part of a media program. Ellis does not even disclose the use of audio or pictures whatsoever. Thus, Ellis does not disclose a multimedia experience as taught in the present application. The creation of a media program of diverse media objects is not disclosed, taught, or suggested by Ellis.

As Ellis fails to disclose these limitations, Ellis cannot anticipate claim 1. Anticipation under section 102 is proper only if the reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 USPQ 773, 777 (Fed. Cir. 1985). The remaining references cited in the Office Action (Crowther et al., Musgrave, and Eyer) do not disclose the above discussed limitations and cannot, therefore, anticipate claim 1.

The remaining independent claims 13, 17, and 24 include similar limitations and are likewise patentably distinct for at least the same reasons. The remaining claims depend from their respective independent claims and represent patentable subject matter by virtue of that dependency.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By



Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999